

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JEREMY LYNN HELLUMS,

Petitioner,

v.

STEVE SINCLAIR,

Respondent.

NO: 12-CV-3090-TOR

ORDER DENYING HABEAS
PETITION

By Order filed August 19, 2012, the Court instructed Petitioner to show cause why his habeas corpus petition should not be dismissed as time-barred under 28 U.S.C. § 2244(d). Petitioner Jeremy Lynn Hellums, a prisoner at the Washington State Penitentiary, is proceeding *pro se* and has paid the \$5.00 filing fee for this action. Respondent has not been served.

Mr. Hellums challenges his Yakima County jury conviction for attempted first degree murder with a weapon enhancement. He was sentenced on February 10, 2006, to 242 months incarceration. Petitioner did not respond to the Order to Show Cause. He did not demonstrate a statutory or equitable basis to toll the

ORDER DENYING HABEAS PETITION -- 1

1 running of the federal limitations period under 28 U.S.C. § 2244(d). Therefore, for
2 the reasons set forth in the Court's previous Order, ECF No. 5, **IT IS ORDERED**
3 that the habeas petition is **DENIED** as untimely.

4 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
5 Order, enter judgment, forward a copy to Petitioner at his last known address and
6 close the file. The Court further certifies that pursuant to 28 U.S.C. § 1915(a)(3),
7 an appeal from this decision could not be taken in good faith, and there is no basis
8 upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R.
9 App. P. 22(b).

10 **DATED** this 19th day of September 2012.

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12 *s/ Thomas O. Rice*

13 THOMAS O. RICE

14 United States District Court Judge
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